

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:04-cr-041
also Civil Case No. 3:05-cv-135

-vs-

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

ARNOLD SATTERWHITE,

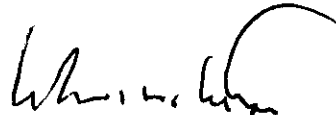
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #36), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 12, 2005, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Mr. Satterwhite's §2255 Motion be denied with prejudice along with the privilege of appealing *in forma pauperis* and any certificate of appealability because the conclusions in this Report are not debatable among reasonable jurists.

May 23, 2005.



Walter Herbert Rice
United States District Judge